

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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PHILIP J. ARCURI and MELANIE	:	NO.: 2:20-CV-05408-JHS
ARCURI, Administrators of the ESTATE	:	
OF ANDREA MARIE ARCURI,	:	CIVIL ACTION – LAW
Plaintiffs	:	
	:	JUDGE JOEL H. SLOMSKY
v.	:	
	:	
COUNTY OF MONTGOMERY,	:	<i>Electronically Filed</i>
MONTGOMERY COUNTY	:	
CORRECTIONAL FACILITY,	:	
BRIAN LEISTER, TIARE NIMMO-LEE,	:	
DOMINIC WILLIAMS, CHANTELL	:	
ROUNDTREE, CORPORAL E. MERCER,	:	
YOUNGSHIL DUNBAR, KALENA	:	
ANNIS, JEFFREY TRATENBURG,	:	
DANIEL WHITE, ERIC MITCHELL,	:	
GREGORY PINCIOTTI, SEAN GORMAN,	:	
CATHERINE HIEM, PRIMECARE	:	
MEDICAL, INC.,	:	
Defendants	:	JURY TRIAL DEMANDED

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, upon consideration of PrimeCare Medical Inc.'s Motion for Summary Judgment, and Plaintiff's response thereto, said Motion is hereby **GRANTED**. Plaintiff's cause of action against PrimeCare Medical, Inc., is hereby Dismissed With Prejudice.

BY THE COURT:

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JOEL H. SLOMSKY, J.

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DOMINIC WILLIAMS, CHANTELL	:	
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YOUNGSHIL DUNBAR, KALENA	:	
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DANIEL WHITE, ERIC MITCHELL,	:	
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CATHERINE HIEM, PRIMECARE	:	
MEDICAL, INC.,	:	
Defendants	:	JURY TRIAL DEMANDED

**MOTION OF PRIMECARE MEDICAL, INC.**  
**FOR SUMMARY JUDGMENT**

AND NOW, comes Defendant PrimeCare Medical, Inc. (“PrimeCare”), by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, P.C., who files this Motion for Summary Judgment by respectfully stating the following:

1. This matter arises from the last incarceration of Andrea Arcuri at the Montgomery County Correctional Facility (“MCCF”).
2. On December 26, 2018, Ms. Arcuri presented to Montgomery County Adult Probation and Parole apparently under the influence of illicit drugs.

3. As a result of her having violated the terms of her probation, she was taken to MCCF.

4. Ms. Arcuri was found unresponsive in her cell at approximately 11:47 p.m., and she later died as a result of "adverse effects of combined drugs (heroin, fentanyl, acetylfentanyl, bupropion, topiramate, buprenorphine [and] fluoxetine."

5. The undisputed material facts and the applicable law show that Plaintiff is unable to demonstrate a deliberate indifference to a serious medical condition or that there were constitutionally deficient policies and procedures concerning the provision of medical care in place at MCCF.

6. The undisputed material facts and the applicable law show that Plaintiff is unable to demonstrate a cause of action for professional negligence, or alternatively that this Court should dismiss this case for lack of subject matter jurisdiction.

7. The undisputed material facts and the applicable law show that Plaintiff is unable to demonstrate a cause of action for fraud and deceit.

8. For the reasons articulated in the attached Brief and Statement of Undisputed Facts, PrimeCare is entitled to summary judgment.

WHEREFORE, Defendant PrimeCare Medical, Inc., respectfully requests this Honorable Court grant its Motion for Summary Judgment and that Plaintiffs' causes of action be dismissed with prejudice.

Respectfully submitted,

MARSHALL DENNEHEY WARNER COLEMAN  
& GOGGIN

By: /s/ *John R. Ninosky*

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Attorney for PrimeCare Medical, Inc.

Date: April 18, 2022

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 18<sup>th</sup> day of April, 2022, the foregoing *Motion for Summary Judgment* was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record, which service satisfies the requirements of the Federal Rules of Civil Procedure.

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MARSHALL DENNEHEY WARNER COLEMAN  
& GOGGIN

By: /s/ *John R. Ninosky*  
John R. Ninosky